

REMARKS

Claims 2-4, 6, 8-10, and 12, and amended claims 1, 5, 7, and 11 are in this application.

Claims 5, 6, 11, and 12 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 5 and 11 have each been rewritten herein in independent form including all of the limitations of the respective base claim. (Note--there were no intervening claims.) Accordingly, it is respectfully submitted that independent claims 5 and 11 along with claims 6 and 12 (which are respectively dependent from claims 5 and 11) are allowable.

Claims 1-3 and 8-10 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2 and 8-9 of U.S. Patent No. 6,930,987.

A terminal disclaimer directed to U.S. Patent No. 6,930,987 accompanies this amendment. Accordingly, it is respectfully requested that the above nonstatutory obviousness-type double patenting rejection of claims 1-3 and 8-10 be withdrawn.

Claims 1-4 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3, 4, and 2 respectively of copending Application No. 09/980,867.

Independent claim 1 (from which claims 2-4 depend) has been amended herein. Accordingly, it is respectfully requested that the above provisional nonstatutory obviousness-type double patenting rejection of claims 1-4 be withdrawn.

Claims 1, 2, 4, 7-8, and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander (U.S. Patent No. 6,272,120) in view of McKinley et al. (U.S. Patent No. 5,805,834).

Independent claim 1 as presented herein recites in part the following:

"storage means for storing communication setting information on the external communication network, and protocol stacks having at least a first protocol stack and a second protocol stack in which the first protocol stack includes a plurality of protocols and the second protocol stack includes a plurality of protocols; and

communication controlling means for setting a relation of connection to the external communication network via the radiocommunication network and the communication device based on the communication setting information and the protocol stacks stored in the storage means and for controlling the first radiocommunication means and the second radiocommunication means to transfer data between the external communication network and the host device." (Emphasis added.)

It is respectfully submitted that the applied combination of Alexander and Mckinley does not appear to disclose the above identified features of claim 1. As an example, and in support thereof, in describing the above 103 rejection of claim 1 the Examiner asserted that Alexander and, in particular, memory 286 of Fig. 3 and lines 20-41 of column 8 thereof discloses the storage means of claim 1. Although such portion of Alexander appears to indicate that the memory 286 stores "program code" and "information such where devices . . . are registered" and that the memory 286 "serves to buffer packets," such portion of Alexander does not appear to disclose that the memory 286 stores "protocol stacks having at least a

first protocol stack and a second protocol stack in which the first protocol stack includes a plurality of protocols and the second protocol stack includes a plurality of protocols" as specifically set forth in claim 1.

Accordingly, it is respectfully submitted that claim 1 is distinguishable from the applied combination of Alexander and Mckinley. For similar or somewhat similar reasons, it is also respectfully submitted that independent claim 7 is distinguishable from the applied combination of Alexander and Mckinley.

Claims 2, 4, 8, and 10 are dependent from one of independent claims 1 and 7. Accordingly, it is also respectfully submitted that dependent claims 2, 4, 8, and 10 are distinguishable from the applied combination of Alexander and Mckinley for at least the reasons previously described.

Claims 3 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander in view of McKinley as applied to claims 1-2, 4, 7-8, and 10 above, and further in view of Hind (U.S. Patent No. 6,772,331).

Claims 3 and 9 are dependent from one of independent claims 1 and 7. Accordingly, it is also respectfully submitted that dependent claims 3 and 9 are distinguishable from the applied combination of Alexander and Mckinley for at least the reasons previously described. With regard to Hind, and as best understood, in explaining the above rejection with regard to claims 3 and 9 the Examiner appears to rely on lines 11-23 of column 2 and lines 46-67 of column 7 of Hind to disclose a memory and the use of TCP/IP. It is respectfully submitted that such portions of Hind do not appear to specifically disclose the above identified features of claim 1. In particular, it is respectfully submitted that such portions of Hind do not appear to specifically disclose "storage means for storing . . .

protocol stacks . . . in which the first protocol stack includes a plurality of protocols and the second protocol stack includes a plurality of protocols," as in claim 1. Accordingly, it is respectfully submitted that dependent claims 3 and 9 are distinguishable from the applied combination of Alexander, Mckinley, and Hind.

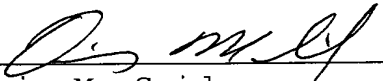
As it is believed that all of the rejections set forth in the Official Action have been overcome, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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